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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA KETCHIKAN DIVISION**

ALEX J. LEGE, an individual,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE CITY OF KETCHIKAN, a	)	
municipal corporation; ROBERT	)	Case No. 5:20-cv-006-HRH
CHEATAM, in his individual capacity,	)	
JUSTIN OSTER, in his individual	)	
capacity, and LOUIS BONETA, JR., an	)	
individual.	)	
	)	
Defendants.	)	

**DEFENDANTS' ANSWER TO PLAINTIFF'S AMENDED COMPLAINT**

COME NOW defendants THE CITY OF KETCHIKAN, ROBERT CHEATAM and JUSTIN OSTER, by and through counsel, Walker & Eakes, and for their answer to plaintiff's Amended Complaint hereby admits , denies and alleges as follows:

**PRELIMINARY STATEMENT**

1. The defendants deny that any violation of rights occurred.
2. The defendants deny the allegations of wrongdoing in this paragraph.
3. Defendants deny that any relief is owed to the plaintiff in this matter.

## JURISDICTION AND VENUE

4. The defendants admit that this court has jurisdiction over the claims presented.
5. Admit.

## THE PARTIES

5. [sic] Admit.
6. Defendant City of Ketchikan admits its identity, but denies legal allegations.
7. Admit.
8. The defendants cannot speak to what the plaintiff is intending.
9. Admit.
10. The defendants cannot speak to what the plaintiff is intending.
11. Admit.

## GENERAL ALLEGATIONS

12. Admit.
13. Admit.
14. Defendants admit that the neighbors had prior contact. The defendants admit that Mr. Lege was in possession of a knife at the time of his arrest. All other allegations are denied for insufficient knowledge.
15. Defendants admit that the relevant incident occurred on May 7, 2019. Defendants refer to the documents in question rather than attempting to paraphrase them.
16. Defendant Cheatam was familiar with both Lege and Boneta.
17. Defendants deny the characterization of the incident.

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18. Defendants refer to the videotape for details of the incident and deny the accuracy of the plaintiff's summary.

19. Defendants refer to the videotape for details of the incident and deny the accuracy of the plaintiff's summary.

20. Defendants admit that Boneta was interviewed at the scene. The plaintiff's summary is otherwise denied in favor of the videotapes of the encounter. A standing objection to the plaintiff's allegations is made on the basis that it seeks to force the defendants to alter the material already recorded by audio visual means, and to force opposing counsel to create its own version of the transcript. The defendants refer to the recorded material for an accurate version of events, and object to the effort to force counsel to create a binding summary in pleadings.

21. Defendants admit that Boneta was interviewed at the scene. The plaintiff's summary is otherwise denied in favor of the videotapes of the encounter.

22. Defendants admit that Boneta was interviewed at the scene. Defendants admit that they did not secure a search warrant for Boneta's premises. The plaintiff's summary is otherwise denied.

23. Defendants admit that Boneta was interviewed at the scene. The plaintiff's summary is otherwise denied in favor of the videotapes of the encounter.

24. Defendants admit that Boneta was interviewed at the scene. The plaintiff's summary is otherwise denied in favor of the videotapes of the encounter.

25. Defendants admit that Boneta was interviewed at the scene. The plaintiff's summary is otherwise denied in favor of the videotapes of the encounter.

26. Defendants admit that Boneta was interviewed at the scene. The plaintiff's summary is otherwise denied in favor of the videotapes of the encounter.

27. Defendants admit that Boneta was interviewed at the scene. The plaintiff's summary is otherwise denied in favor of the videotapes of the encounter.

28. Defendants admit that Boneta was interviewed at the scene. Defendants admit that Boneta alleged that Lege had come into his apartment without permission. The summary is denied in favor of the videotapes of the encounter.

29. Defendants admit that Boneta was interviewed at the scene. Defendants admit that Boneta alleged that Lege had come into his apartment without permission. The summary is denied in favor of the videotapes of the encounter.

30. Defendants admit that Boneta was interviewed at the scene. Defendants admit that Boneta alleged that Lege had come into his apartment without permission. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

31. Defendants admit that Boneta was interviewed at the scene. Defendants admit that Boneta alleged that Lege had come into his apartment without permission. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

32. Defendants admit that Boneta was interviewed at the scene. Defendants admit that Boneta alleged that Lege had come into his apartment without permission. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

33. Defendants admit that Boneta was interviewed at the scene. Defendants admit that Boneta alleged that Lege had come into his apartment without permission. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

34. Defendants admit that Boneta was interviewed at the scene. Defendants admit that Boneta alleged that Lege had brandished a knife. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

35. Defendants admit that Boneta was interviewed at the scene. Defendants admit that Boneta alleged that Lege had brandished a knife. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

36. Defendants admit that Boneta was interviewed at the scene. Defendants admit that Boneta alleged that Lege had brandished a knife and come after him. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

37. Defendants admit that Boneta was interviewed at the scene. Defendants admit that Boneta alleged that Lege had brandished a knife. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

38. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

39. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

40. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

41. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

42. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

43. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

44. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

45. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

46. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

47. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

48. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

49. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

50. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

51. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

52. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

53. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

54. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

55. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

56. Defendants admit that the referenced witness was interviewed at the scene. The summary is denied in favor of the videotapes of the encounter, and any official transcript which may be created.

57. Defendants admit that Cheatam came back to the Lege landing to meet with Oster. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

58. Defendants admit that Cheatam came back to the Lege landing to meet with Oster. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

59. Defendants admit that Cheatam came back to the Lege landing to meet with Oster. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

60. Defendants admit that Lege made a statement to the responding officers. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

61. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

62. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

63. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

64. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

65. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

66. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

67. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied. Defendants admit that the plaintiff's knife was taken into evidence. Defendants deny any Constitutional or other violation occurred.

68. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

69. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

70. Defendants admit that the plaintiff was given his Miranda warning. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is otherwise denied.

71. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

73. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

74. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

75. Defendants refer to the videotape of the encounter for specific details. The plaintiff's summary is denied.

#### **POLICY OR CUSTOM ALLEGATIONS**

76. Denied

77. Denied.

78. The allegation is vague and more specific details of the alleged complaint would be needed to form an answer. Therefore the allegation is denied for insufficient knowledge.

79. Denied.

80. Denied.

81. Denied

82. Denied.

83. Denied

#### **DAMAGES**

84. Denied

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## FIRST CLAIM

85. Prior responses are incorporated by reference.
86. Defendant admits that this right is well established, as interpreted by the court system.
87. Defendant denies the accuracy or completeness of the plaintiff's legal position, and denies that the allegation is applicable to the facts in this case.
88. Defendant denies that there was any violation of Constitutional rights in this case.
89. Defendant denies the plaintiff's version of events and denies the allegation that his rights were violated.
90. Defendant denies the plaintiff's version of events and denies the allegation that his rights were violated.
91. Denied.
92. Denied

## SECOND CLAIM

93. Prior responses are incorporated by reference.
94. Defendants admit that this right is well established, as interpreted by the court system.
95. Defendants deny the accuracy or completeness of the plaintiff's legal position, and denies that the allegation is applicable to the facts in this case.
96. Defendants deny that there was any violation of Constitutional rights in this case.

97. Defendants admit that the plaintiff was arrested, but deny that his rights were violated.

98. Defendants deny the accuracy or completeness of the plaintiff's legal position, and denies that the allegation is applicable to the facts in this case.

99. Defendants deny that there was any violation of Constitutional rights in this case.

100. Denied.

101. Denied.

### **THIRD CLAIM**

102. Prior responses are incorporated by reference.

103. Defendants deny the accuracy or completeness of the plaintiff's legal position, and denies that the allegation is applicable to the facts in this case.

104. Denied.

105. Denied.

106. Denied.

107. Denied.

108. Denied.

109. Denied.

110. Denied.

111. Denied.

### **FOURTH CLAIM**

112. Prior responses are incorporated by reference.

113. Denied.

114. Denied.

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115. Denied.

**FIFTH CLAIM**

116. Prior responses are incorporated by reference.

117. Denied.

118. Denied.

119. Denied.

120. Denied.

121. Denied

122. Defendants admit that a criminal complaint was lodged against Mr. Lege.

123. Defendants admit that a criminal complaint was lodged against Mr. Lege which included a statement, and refer to the original statement as a whole.

124. Denied.

125. Defendants admits the statement, but denies that it is legally complete.

126. Denied.

127. Denied.

128. Denied.

129. Denied.

130. Denied.

131. Denied.

132. Denied.

133. Denied.

134. Denied.

135. Denied.

## SIXTH CLAIM

136. Prior responses are incorporated.

137. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

138. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

139. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

140. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

141. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

142. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

143. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

144. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

145. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

146. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

147. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

148. This allegation is directed at a different defendant. But the defendant denies the accuracy or completeness of the plaintiff's version of events.

### **AFFIRMATIVE DEFENSES**

1. The defendants had absolute immunity.
2. The defendants had qualified immunity.
3. The plaintiff had consented to their entry into his apartment, as is demonstrated in the videotape of the encounter, and had pointed out the knife later taken into evidence.

DATED this 3rd day of August, 2020, at Anchorage, Alaska.

Walker & Eakes, LLC  
Attorney for Defendants  
THE CITY OF KETCHIKAN,  
ROBERT CHEATAM and  
JUSTIN OSTER

By: S:/ Laura J. Eakes  
Alaska Bar No. 0011072

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served this 3th day of August, 2020 by:

X :ECF  
\_\_\_\_\_: Facsimile

To the following persons:

Paul A. Clark  
Clark Legal Services, LLC  
10 Huron Avenue, #1N  
Jersey City, NJ 07306

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